

# Congressional Representatives, New York Residents and Workers Say EPA Must Strengthen Testing Program for 9/11 Contamination

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A coalition of elected representatives, residents, unions, workers and environmental health advocates today urged the federal Environmental Protection Agency (EPA) to strengthen its proposed testing plan for World Trade Center (WTC) toxic dust. The EPA released its latest version of a draft plan yesterday evening. The testing plan is supposed to identify where toxic WTC dust may still remain in homes and workplaces, but advocates expressed concern today that the new draft still falls far short of the mark. In particular, they are concerned that the draft plan:

- Fails to resolve the issue of getting access to buildings that are likely to contain toxic dust;
- Allows EPA to clean up toxic contamination only if it meets an unreasonably narrow definition of what constitutes WTC dust;
- Denies clean up of contamination found behind refrigerators, under beds or in ducts of mechanical ventilation systems and ceiling plenums; and,
- Waters down test results by "averaging" results from more contaminated areas with results from less contaminated areas.

Congressman Jerrold Nadler said, "In large measure, it is because of the important efforts of

Senator Clinton that issues related to World Trade Center contamination were finally examined in this formal way, and a testing plan proposed. Unfortunately, it appears at first glance that the EPA's long-awaited plan has been designed in a way that is fundamentally inadequate to determine the true extent of WTC dust contamination. It is imperative that the EPA now act to incorporate more of the ideas and concerns of the residents, workers and environmental advocates into a revised, scientifically rigorous sampling plan."

Senator Hillary Clinton stated, "Yesterday's release of a revised testing and cleanup plan by EPA is an important step toward realizing the promise of the World Trade Center Expert Panel, but I continue to have serious concerns. I will be evaluating the plan in detail in the coming days, and look forward to working closely with EPA to ensure that the final plan is both scientifically sound and responsive to the needs of the community."

EPA will present its draft plan on May 24 to the WTC Expert Technical Review Panel, which was established by EPA with the agreement of James Connaughton, chair of the White House Council on Environmental Quality, at the request of Senator Hillary Clinton and Senator Joseph Lieberman.

"The public needs an effective program to test homes and workplaces for WTC dust and to clean up where hazards are found. A program that gives false assurances will not protect the public," said Catherine McVay Hughes, who was appointed by Senator Clinton to serve as the Community Liaison to the Panel. "The community urges EPA to stay engaged and work with us to strengthen the testing plan."

"While we are pleased that EPA agreed to test workplaces as well as residences, that is a hollow promise if employers can bar access for testing," said David Newman, industrial hygienist for the New York Committee for Occupational Safety and Health (NYCOSH), a member of the Expert Technical Review Panel. "If workers are disenfranchised under this plan, the plan will fail. EPA must gain access to test buildings near Ground Zero."

"After 9/11, our government gave residents the dangerous advice that they could clean up the WTC dust in their homes themselves with wet rags and mops, and everything would be fine," said Kimberly Flynn, Co-coordinator for 9/11 Environmental Action. "That was followed by a poorly designed, haphazard cleanup program in 2002 that left thousands of families at risk. Now we have a new sampling plan, but it's set up to underestimate remaining contamination, so it will undermine the possibility of any cleanup. EPA needs to work with us in good faith to fix this plan and do the job right."

"EPA is resisting the need to clean up contamination in areas that are harder to reach but still pose a threat. Our workers often find themselves working in basements, behind furniture, above drop ceilings and in other locations where WTC dust may be harbored," said Micki Siegel de Hernandez, Director of the Health and Safety Program for the Communication Workers of America, District One and Alternate Community Liaison to the Panel. "The EPA must clean up remaining contamination so that everyone, including workers, are safe."

"EPA has resisted calls for thorough testing of building heating, ventilation and air conditioning systems, including bends in the system where dust could gather, even though many of these were never properly cleaned after 9/11," said Paul Stein, Health and Safety Committee Chair, Public Employees Federation, Division 199. "Some of these systems may still harbor WTC dust and pose a threat to workers or residents."

"EPA has proposed to average the results from all testing locations where WTC dust is present, in a building, to decide whether or not the whole building should be cleaned," said Lisa Baum, Health and Safety Principal Program Coordinator for District Council 37 (AFSCME/AFL-CIO). "There is no public health reason to ignore the risk indicated by heavy contamination in one dwelling unit just because another dwelling unit does not contain harmful levels, especially since they are only testing every other floor. The whole building should be cleaned if significant contamination is found."

"Testing without cleanup will not protect the public, but EPA is proposing to define WTC dust so narrowly that much of the contamination may slip through its fingers," said Stanley Mark, attorney for the Asian American Legal Defense and Education Fund (AALDEF). "The content of WTC dust probably varied, especially by distance from the site. We need a more flexible definition of WTC dust that errs on the side of protecting human health."

"The EPA Inspector General heavily criticized EPA's original testing and cleanup program. EPA asserts that it cleaned or tested more than 4,100 homes and that, 'Of these homes, less than 1% had levels of asbestos in the air that exceeded the stringent health-based benchmark.' Actually, EPA only obtained air measurements of asbestos in 726 apartments before cleaning," said Suzanne Mattei, NYC Executive Director, Sierra Club. "Also, it used a weak testing method. So it had no credibility. This plan must have credibility."

"It appears that EPA still wants to avoid testing soft surfaces for lead, yet this is where it is most likely to remain. Carpets and soft furniture pose a special dust hazard to young children," said Craig Hall, a parent and the President of the World Trade Center Residents Coalition. "A program that does not test for all contaminants of potential concern will not find all of the hazards."

The World Trade Center Community-Labor Coalition is an alliance of community, tenant, religious, disaster recovery, social service, environmental and labor organizations, and residents, workers, and small business owners in the affected areas, who have been concerned by unaddressed environmental and public health issues since Sept. 11, 2001. The Coalition and its members have participated in the EPA World Trade Center Expert Technical Review Panel process that began in March 2004.

